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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,078	07/10/2001	Rebecca Lynn Siegel	47004.000089	7083

21967 7590 12/23/2003

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EXAMINER

SHIH, SALLY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,078

Applicant(s)

SIEGEL ET AL.

Examiner

Sally Shih

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This application has been reviewed. Original claims 1-38 are pending. The rejections cited are as stated below:

Claim Rejections - 35 USC §101

2. Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claims 1-19 only recite an abstract idea. The recited steps of merely obtaining information about tracking account activities does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to select an insurance policy over another.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above with the exception of the recitation in the preamble that the method is "computerized". Looking at the claim as a whole, nothing the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces reports on account activities (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-19 are deemed to be directed to non-statutory subject matter.

Example:

A **computerized** method for selecting an insurance policy comprising the steps of:

- (a) retrieving information from a customer **database** and an insurance policy **database**;
- (b) scoring the insurance policy **by a processor** based upon the information from the customer and policy; and
- (c) iterating steps (1) and (2) with different policies until a best insurance policy is selected based on a score determined from step (b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (United States Patent Number 6,513,019 B2).

Claims 1 and 20: A method for tracking accounts, comprising:

- a) receiving a baseline status of an account (col. 5, lines 19-30; figs. 2, 7, 9 and associated text);
- b) retrieving an updated status of the account after a predetermined period (col. 5, lines 19-30; figs. 2, 7, 9 and associated text);
- c) comparing the baseline status to the updated status (col. 5, lines 19-30; figs. 2, 7, 9 and associated text); and
- d) generating an account metric based on the step (c) of comparing, the account metric including a weighting according to at least a change in level of currency of the account (col. 5, lines 19-30; figs. 2, 7, 9 and associated text).

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Claims 2 and 21: The method of claim 1, wherein the step (d) of generating comprises a step e) of multiplying an account balance by the change in level of currency of the account (figs. 2, 3A, 3B and associated text).

Claims 3 and 22: The method of claim 1, wherein the change in level of currency of the account comprises monthly buckets designating a number of months behind current for the account (col. 7, lines 45-52).

Claims 4 and 23: The method of claim 1, wherein the step (d) of generating comprises a step f) of multiplying an account balance by a risk rating (fig. 7 and associated text).

Claims 5 and 24: The method of claim 1, wherein the step (d) of generating comprises a step g) of multiplying an account balance by an outcome rating (fig. 7 and associated text).

Claims 6 and 25: The method of claim 1, wherein the account comprises a financial account (abstract).

Claims 7 and 26: The method of claim 6, wherein the financial account comprises a credit account (col. 5, lines 6-18).

Claims 8 and 27: The method of claim 7, wherein the credit account comprises a revolving credit account (col. 5, lines 6-18).

Claims 9 and 28: The method of claim 6, wherein the credit account comprises a mortgage account (col. 5, lines 6-18).

Claims 10 and 29: The method of claim 1, wherein the account is managed by an agent, further comprising a step of h) assigning a score to the agent according to the account metric (col. 5, lines 6-18; fig. 7 and associated text).

Claims 11 and 30: The method of claim 1, further comprising a step of i) aggregating the account metric for each of a plurality of accounts to generate an aggregate metric (col. 5, lines 6-18; fig. 7 and associated text).

Claims 12 and 31: The method of step 11, wherein the aggregate metric is stored in a database (figs. 1, 7 and associated text).

Claims 13 and 32: The method of step 12, wherein the database is interrogatable to generate reports (figs. 1, 2, 7 and associated text).

Claims 14 and 33: The method of claim 13, further comprising a step of i) accessing the database and an organizational database to generate the reports (figs. 1, 2, 7 and associated text).

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Claims 15 and 34: The method of claim 14, wherein the reports comprise at least one of agent reports, team reports, group reports, division reports, and corporate reports (figs. 1, 2, 7 and associated text).

Claims 16 and 35: The method of claim 1, wherein the predetermined period comprises a period less than a statement period for the account (col. 7, lines 45-52).

Claims 17 and 36: The method of claim 16, wherein the account comprises a revolving credit account and the predetermined period comprises less than 15 days (col. 7, lines 45-52).

Claims 18 and 37: The method of claim 1, further comprising a step of k) presenting a network interface to view the account metric (fig. 7 and associated text).

Claims 19 and 38: The method of claim 18, wherein the network interface comprises a Web page (figs. 4, 7 and associated text).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,978,780, USPN 6,018,722, USPN 6,405,179 B1, USPN 6,415,267 B1, USPN 6,513,019 and JP407152960A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys



HANI M. KAZIMI
PRIMARY EXAMINER